

Order

Michigan Supreme Court
Lansing, Michigan

October 26, 2012

Robert P. Young, Jr.,
Chief Justice

145257

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

In re:

The Honorable Bruce U. Morrow
Judge, 3rd Circuit Court
Detroit, Michigan

SC: 145257

On order of the Court, the Judicial Tenure Commission having filed a Decision and Recommendation on the basis of an agreement between the Commission and the respondent judge, we REJECT the recommendation on the ground that the proposed discipline is insufficient in light of the facts presented to the Court. The standards set forth in *In re Brown*, 461 Mich 1291, 1292-1293 (2000), provide that misconduct on the bench is usually more serious than the same misconduct off the bench, that deliberate misconduct is more serious than spontaneous misconduct, that misconduct prejudicial to the actual administration of justice is more serious than conduct that is not, and that conduct that undermines the ability of the justice system to discover the truth of what occurred in a legal controversy is more serious than conduct that merely delays such discovery. Here, respondent's actions occurred on the bench, and as found by the Commission, were premeditated, constituted misconduct actually prejudicial to the administration of justice, and undermined the ability of the justice system to discover the truth of what occurred in a legal controversy.

We REMAND this matter to the Judicial Tenure Commission for further proceedings. The Commission shall present either a new recommendation or a status report to this Court within 42 days of the date of this order.

We retain jurisdiction.

CAVANAGH and HATHAWAY, JJ., would enter an order of public censure as recommended by the Judicial Tenure Commission.



d1023

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 26, 2012

Clerk